

REMARKS

In paragraph 1 of the Office Action, the Examiner has maintained the anticipation and obviousness rejections of Claims 23-32 as contained in the Office Action dated July 31, 2003, based on German patent document DE 196 54 361 A1, as well as U.S. Patent No. 6,200,696 (Farooque et al) and U.S. Patent No. 6,168,703 (Lee et al). However, for the reasons set forth hereinafter, Applicants respectfully submit that all claims of record in this application distinguish over the cited references, whether considered separately or in combination.

Applicants acknowledge that this application is currently under final rejection. Nevertheless, they respectfully submit that the amendment set forth hereinabove is entitled to entry in that it does no more than clarify the language of Claims 23 and 25, and make explicit that which Applicants submit is implicit in the claim language. In particular, it is noted that the preamble of Claim 23 recites that the first and second catalyst layers are "porous", while the final paragraph recites that the layers further comprise a substantially gas tight edge seal in a peripheral region thereof. It is apparent, therefore, that adjacent planar surfaces of the first and second layers would in fact be in fluid communication with each other in all events. Accordingly, while the amendment emphasizes this feature of the invention, which is consistent with previous

submissions, it does not modify the scope of the claim in a manner such as to require a further search. The same comments also apply with regard to the language of Claim 25 as well.

The Office Action has maintained the rejection of the pending claims, as noted previously, based on the premise that the walls of the reactor layers of the Behr reference (DE 196 54 361 A1) are considered to constitute integral parts of the reactor layers. The Office Action also states that the walls are porous and coated with catalyst.

In regard to the latter observation, the Applicants note that both Claims 23 and 25 recite that the first and second catalyst layers comprise a “substantially gas-tight edge seal in a peripheral region thereof”. Further, accepting the Examiner’s interpretation of the Behr reference, for the sake of discussion, Applicants respectfully submit that it does render either of Claim 23 or 25 anticipated or obvious. That is, for reasons noted of record herein, the reactor layers of Behr are two groups which are fluid separated from one another. That is, fluid cannot flow from one reactor layer through to an adjacent reactor layer in the apparatus of Behr because the layers are fluidly isolated from each other. Regardless of the interpretation set forth in the Office Action, therefore, Behr does not disclose porous catalyst layers as comprehended and claimed in the present application.

As noted in the specification of the application, "The educts of the reaction mixture, under action of pressure, are supplied essentially perpendicularly to the catalyst layer 10 and pressed through this layer." (See page 6, lines 10-13.) In order to expedite the allowance of this application, Claims 23 and 25 have been amended to clarify, as noted previously, that adjacent planar surfaces of the catalyst layers are in fluid communication with each other. Accordingly, Applicants respectfully submit that the arguments previously made of record apply with even greater validity to the amended claims, and the claims depending therefrom. Accordingly, reconsideration and withdrawal of the rejection of these claims is respectfully requested.


In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

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please charge any deficiency in fees or credit any overpayments to Deposit
Account No. 05-1323 (Docket #1748X/49133).

Respectfully submitted,



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